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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,456	02/17/2004	John Quigley	RMC-6673	1400

7590

09/06/2005

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EXAMINER

ADDISU, SARA

ART UNIT	PAPER NUMBER
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3722

DATE MAILED: 09/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/780,456

Applicant(s)

QUIGLEY, JOHN

Examiner

Sara Addisu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-53 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-17, drawn to a method of processing a tube having the step of moving the first end portion of the tube and a mandrel into a telescopic relationship in which the mandrel is disposed inside the first portion of the tube, rotating the mandrel while the tube and mandrel are in a telescopic relationship, and rotating the tube at the same speed as the mandrel while the tube and mandrel are in a telescopic relationship, said step of rotating the tube at the same speed as the mandrel includes applying force to the tube at a location spaced from the mandrel, classified in class 82, subclass 47.
 - II. Claims 18-28 and 34, drawn to a method of processing a tube having the step of moving the tube in a first direction along its longitudinal central axis to move a first portion of the tube into the work station includes transmitting force to the tube by rotating a plurality of rollers while the plurality of rollers are disposed in engagement with the tube, said step of rotating the tube about its longitudinal central axis during movement of the first portion of the tube into the work station includes transmitting force from the plurality of rollers to the tube., classified in class 82, subclass 47.
 - III. Claims 29-33, drawn to a method of processing a tube having the step of moving the first end portion of the tube and the mandrel into a telescopic

relationship includes simultaneously moving the tube in the first direction along its longitudinal central axis and moving the mandrel along the central axis of the tube in the direction opposite to the first direction, classified in class 82, subclass 47.

- IV. Claims 35-37, drawn to a method of processing a tube having the step of pressing the end of the first portion of the tube against the stop surface while cutting the first portion of the tube is performed with the stop surface in a first position, said method further includes moving the stop surface to a second position, said step of cutting the second portion of the tube includes pressing an end of the second portion of the tube against the stop surface with the stop surface in the second position., classified in class 82, subclass 47.
- V. Claims 38-44, drawn to an apparatus for use in processing a tube, classified in class 82, subclass 70.2.
- VI. Claims 45-53, drawn to a method of processing a tube having the step of moving a second portion of the tube in a direction away from the work station after performing said step of cutting the first portion of the tube., classified in class 82, subclass 47.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions I and V are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be

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practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). For example, the process as claimed can be practiced by another materially different apparatus not having stripper. Or the apparatus as claimed can be used to practice another and materially different process such as a method not having the mandrel and the tube rotating at the same speed.

3. Inventions of Groups I-IV, VI are related as combinations. They are distinct, for example, because the combination of Group I does not require the specific details of the step of moving the first end portion of the tube and the mandrel into a telescopic relationship includes simultaneously moving the tube in the first direction along its longitudinal central axis and moving the mandrel along the central axis of the tube in the direction opposite to the first direction, of Group III for patentability as evidenced by the omission thereof from Group I and the combination of Group III does not require the specific details of the step of step of moving the first end portion of the tube and a mandrel into a telescopic relationship in which the mandrel is disposed inside the first portion of the tube, rotating the mandrel while the tube and mandrel are in a telescopic relationship, and rotating the tube at the same speed as the mandrel while the tube and mandrel are in a telescopic relationship, said step of rotating the tube at the same speed as the mandrel includes applying force to the tube at a location spaced from the mandrel or the step of cutting the first portion of the tube and prior to performance of

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said step of moving the second portion of the tube into the work station, of Group I for patentability as evidenced by the omission thereof from Group III.

4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

6. There is an excessive burden on the office to examine all of these inventions together, as shown by their search. See MPEP (808.02(C)). For example, the device of Group I will need to be searched in class 82, subclass 47, along with a unique text search. Group V would not be searched as above, but would instead be searched in class 82, subclass 70.2 accompanied by a different text search. Groups II, III, IV and VI, also would have unique searches.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Conclusion

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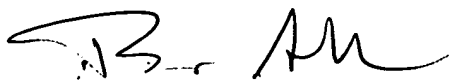
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara Addisu at (571) 272-6082. The examiner can normally be reached on 8:30 am - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sara Addisu
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SA
8/31/05


BOYER D. ASHLEY
PRIMARY EXAMINER